

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1 and 2 are currently pending. No claims have been amended herewith.

In the outstanding Office Action, Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,000,784 to Takemoto et al. (hereinafter “the ‘784 patent”) in view of Japanese Application Publication No. JP 58049636 (hereinafter “the ‘636 patent”); Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,627,015 to Takemoto et al. (hereinafter “the ‘015 patent”) in view of the ‘636 patent; and Claims 1 and 2 were rejected on the grounds of non-statutory obvious-type double patenting as being unpatentable over Claims 1 and 2 of the U.S. Patent No. 6,224,709 in view of U.S. Patent No. 5,361,168 to Arai et al.

Regarding the rejection of Claims 1 and 2 under 35 U.S.C. § 103 as being unpatentable over the '784 and '636 patents, the present application and U.S. Patent No. 6,000,784 were, at the time the invention of the present application was made, owned by Ricoh Company, Ltd. See Statement of Common Ownership. Moreover, as set forth above, the ‘784 patent qualifies as prior art only under 35 U.S.C. § 102(e). Accordingly, under 35 U.S.C. § 103(c), the ‘784 patent cannot be used in a rejection under 35 U.S.C. § 103 against the claims in the present application. See MPEP § 706.02(1)(2). Accordingly, Applicants request that the rejection of the claims as being unpatentable over the ‘784 and ‘636 patents be withdrawn.

Regarding the rejection of Claims 1 and 2 under 35 U.S.C. § 103 as being unpatentable over the '015 and '636 patents, the present application and U.S. Patent No. 6,627,015 were, at the time the invention of the present application was made, owned by Ricoh Company, Ltd. See Statement of Common Ownership. Moreover, as set forth above,

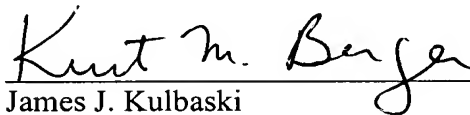
the '015 patent qualifies as prior art only under 35 U.S.C. § 102(e). Accordingly, under 35 U.S.C. § 103(c), the '015 patent cannot be used in a rejection under 35 U.S.C. § 103 against the claims in the present application. See MPEP § 706.02(1)(2). Accordingly, Applicants request that the rejection of the claims as being unpatentable over the '015 and '636 patents be withdrawn.

Applicants respectfully submit that the double patenting rejection of Claims 1 and 2 is rendered moot by the terminal disclaimer filed herewith.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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